

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>JAKE KATES</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v</b>	)	<b>Case No.:08-0034-CV-W-FJG</b>
	)	
<b>CHAD FRANKLIN NATIONAL</b>	)	
<b>AUTO SALES NORTH, LLC, and</b>	)	
<b>CHAD FRANKLIN</b>	)	
	)	
<b>Defendants.</b>	)	

**SUGGESTIONS IN SUPPORT OF JOINT MOTION  
FOR REMAND TO STATE COURT**

Plaintiff Jake Kates and Defendant Chad Franklin National Auto Sales North, LLC, and Defendant Chad Franklin, in support of their Joint Motion for Remand to State Court, jointly state as follows:

The parties to this action jointly agree that the interests of judicial economy and the respective interests of the parties will be served by remanding this matter to the Circuit Court of Jackson County, Missouri.

This matter was originally filed by Plaintiff in the Circuit Court of Jackson County, Missouri on April 30, 2008. On July 2, 2008, Defendants filed a Joint Motion to Compel Arbitration (Doc. No. 17). On December 1, 2008, this Court granted Defendants' motion to compel arbitration, and ordered that these proceedings remain stayed pending the outcome of the arbitration (Doc. No. 42).

Since this Court's ruling on the enforceability of the arbitration clause, however, additional claims have been filed and are currently pending against the Defendants in the Circuit Court of Jackson County, Missouri. The pending state court litigation arises out

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of transactions factually similar to the transaction which is the subject of this litigation; however, those state court actions seek relief under state law theories and involve only Missouri residents as plaintiffs and defendants, so that removal of those cases to federal court is not available. The parties believe that numerous other related and non-removable claims will be filed and pending against these Defendants in the Circuit Court of Jackson County, Missouri. The parties anticipate that all claims ultimately pending against the Defendants in state court will be consolidated for purposes of discovery and the parties further anticipate that all claims will be subjected to alternative dispute resolution.

The parties have a mutual interest in controlling the costs of litigation by consolidating claims in the Circuit Court of Jackson County, Missouri and they have a shared desire to coordinate efforts to resolve all similarly situated claims in the state court forum. Separate arbitrations involving individual claims will be counter-productive to the efficient resolution of pending claims. The interests of justice and judicial economy will be served by remanding this matter to the Circuit Court of Jackson County, Missouri. A single federal law claim was asserted in this matter along with several state law claims, and the plaintiff has sought to dismiss this claim upon remand of the case to state court. This Court has little interest in continuing to exercise jurisdiction over this matter, especially given the shared position of the parties.

WHEREFORE, based on the foregoing, Plaintiff Jake Kates, Defendant Chad Franklin National Auto Sales North, LLC, and Defendant Chad Franklin, jointly and respectfully request that the Court remand this matter to the Circuit Court of Jackson County, Missouri.

Jointly submitted,

**DOLLAR, BURNS & BECKER, LC**

**CASE & ROBERTS, PC**

/s:/ Tim E. Dollar

Tim E. Dollar #33123  
Michael Kilgore #44149  
1100 Main Street, Suite 2600  
Kansas City, Missouri 64105  
(816)876-2600  
(816) 221-8763 (Fax)  
Email: [TimD@Dollar-Law.Com](mailto:TimD@Dollar-Law.Com)

/s:/ Kevin D. Case

Kevin D. Case #41491  
Two Pershing Square  
2300 Main Street, Suite 900  
Kansas City, MO 64108  
(816)448-3707  
(816)448-3779 (Fax)  
Email: [kevin.case@caseroberts.com](mailto:kevin.case@caseroberts.com)

**THE WHITEHEAD LAW FIRM, LLC**

/s:/ Michael K. Whitehead

Michael K. Whitehead #24997  
1100 Main Street, Suite 2600  
Kansas City, Missouri 64105  
(816) 876-2620  
(816) 221-8763 (Fax)  
Email: [Mike@TheWhiteheadFirm.Com](mailto:Mike@TheWhiteheadFirm.Com)

**LAW OFFICES OF JONATHAN R. WHITEHEAD, LLC**

/s:/ Jonathan R. Whitehead

Jonathan R. Whitehead #56848  
301 S.E. Douglas St., Suite 201  
Lee's Summit, MO 64063  
(816)398-8305  
(816)278-9131 (Fax)  
Email: [Jon@WhiteheadLawLLC.com](mailto:Jon@WhiteheadLawLLC.com)

**ATTORNEYS FOR PLAINTIFF KATES**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 24, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all Attorneys of Record:

/s:/ Michael K. Whitehead

Attorney for Plaintiff

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